

## TENTH DAY.

Senate Chamber:  
Austin, Texas,

Thursday, July 31, 1913.

The Senate met pursuant to adjournment and was called to order by Lieutenant Governor Will H. Mayes.

Roll call, a quorum was present, the following Senators answering to their names:

Astin.	Johnson.
Bailey.	McGregor.
Brelsford.	McNealus.
Carter.	Morrow.
Clark.	Nugent.
Collins.	Real.
Conner.	Taylor.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Watson.
Greer.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.

Absent.

Terrell.

Absent—Excused.

Lattimore.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator McNealus.

(See appendix for petitions and standing committee reports.)

## SIMPLE RESOLUTION.

By Senator McNealus:

Whereas, Hon. W. H. Atwell, United States district attorney at Dallas, Texas, is in the Capitol; therefore be it

Resolved, That he be invited to address the Senate on the condition of the afflicted G. O. P. and that he have the freedom of the Senate Chamber.

The resolution was read and adopted, and Senators Real, McNealus and Morrow were appointed to escort Hon. W. H. Atwell to the stand.

## BILLS AND RESOLUTIONS.

By Senators McNealus, Warren, Darwin, Townsend, Westbrook, Clark, Greer, Taylor, Johnson, Gibson, Brelsford and Collins:

Senate Joint Resolution No. 1. Contemplating a State constitutional convention.

The resolution was read and referred to the Committee on Constitutional Amendments.

## RELATING TO PRINTING PENITENTIARY INVESTIGATING COMMITTEE REPORT.

Senator Warren made verbal report that the committee appointed to make the best arrangements possible for the printing of 500 copies of the report of the Penitentiary Investigating Committee, together with the testimony, statements and exhibits before said committee, had seen the public printer, and had obtained from him a waiver of his right to print said report and evidence; and had communicated by wire with other printing firms in Houston, San Antonio and Dallas; that two bids had been received, one from San Antonio to do the work within twelve days from receipt of the copy, \$1500 for 500 copies, and another from a firm in Dallas agreeing to do the work for \$3.50 per printed page for 500 copies, the report being estimated to make 540 pages, said firm to have said report ready by Monday night of next week, stating that in order to expedite matters Journal Clerk Gilmore had been sent to Dallas with a copy of the report and testimony.

He also reported that the firm of A. C. Baldwin & Sons of Austin had this day submitted a bid to print 2000 copies at \$1450, 1000 copies for \$1325, 500 copies for \$1250; in addition to this agreeing to furnish 200 copies in sections of 96 pages delivered Saturday, August 2; section of 192 pages delivered Monday, August 4, and all delivered not later than Thursday, August 7.

Senator Brelsford moved that the committee having in charge the printing of the Penitentiary Investigating Committee report be authorized to close a contract with A. C. Baldwin & Sons of Austin for the printing of 1000 copies of the report as based on their bid; and that the committee be further authorized to confer with the House, so that each branch of the Legislature pay proportionately the bill for the copies used by it; also that if the House and the committee desire, they may contract for an additional 1000 copies; and that the committee be requested to require of the contractor a satisfactory bond for the fulfillment of the contract.

The following amendment to the motion was offered by Senator Clark:

Amend the motion by adding the following: "Provided, that in the event

the committee fails to close a satisfactory contract with said A. C. Baldwin & Sons under this resolution, they are hereby authorized and instructed to close contract with Johnston Printing Company of Dallas for 500 copies under their bid."

Senator Watson offered the following substitute:

I move as a substitute that the acceptance by the Senate of any bids for printing the Penitentiary Committee report be deferred until August 1 and that the committee be requested to wire R. M. Gilmore at Dallas the tenor of all bids heretofore offered and that he request further bids for the printing, and that the Attorney General be requested to prepare the contract entered into and that a bond of \$1000 be required of the successful bidder.

Senator Brelsford moved to table the substitute.

The roll was called and the motion carried by the following vote:

Yeas—17.

Bailey.	Harley.
Brelsford.	Johnson.
Carter.	McGregor.
Clark.	Morrow.
Collins.	Nugent.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Wiley.
Greer.	

Nays—8.

Astin.	Real.
Conner.	Taylor.
Hudspeth.	Watson.
McNealus.	Westbrook.

Present—Not Voting.

Willacy.

Absent.

Terrell.

Absent—Excused.

Lattimore.

Senator Westbrook offered the following substitute:

Resolved, That we order the public printer to proceed with the work of printing 5000 copies of the report of the Penitentiary Investigating Committee, as he has offered to print 5000 copies for \$1070, whereas Johnston of Dallas wants \$1750 for printing 500 copies, and Baldwin & Sons of Austin want \$1200 for printing 500 copies.

The substitute was tabled on motion of Senator Brelsford.

Action then recurred on the amendment offered by Senator Clark. It was read and adopted.

The motion as amended was read and adopted.

REPORT OF COMMITTEE ON CONTINGENT EXPENSES.

Austin, Texas, July 31, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Contingent Expenses, to whom was referred House Concurrent Resolution No. 5, have had the same under consideration, and beg to report same back to the Senate with the recommendation that it be adopted, and be not printed.

WARREN, Chairman.

SIMPLE RESOLUTION.

(By Unanimous Consent.)

By Senator Warren:

Whereas, Von Boeckmann-Jones Company, who are printers holding contract with the State of Texas for printing of the first class, have waived their rights under existing contract for the printing and binding of the report and findings of the Penitentiary Investigating Committee appointed by the Thirty-third Legislature of the State of Texas, together with the record consisting of the questions and answers, exhibits and statements placed before said committee; and

Whereas, The Senate, during the First Called Session of the Thirty-third Legislature contemplates entering into a special contract for the printing and binding of the aforesaid matter at a price far in excess of the contract existing with the aforesaid Von Boeckmann-Jones Company, the same to be paid for out of the Contingent Expense Fund of the Senate; therefore, be it

Resolved by the Senate, that the Expert Printer and the Public Printing Board of the State of Texas be and they are hereby authorized and instructed to approve the account for said printing under said special contract, whatever the amount may be, and the Comptroller of the State of Texas be and he is hereby authorized and instructed to issue Treasury warrants therefor.

The resolution was read and adopted. Senator Warren requested that the old committee be discharged; and, on motion of Senator Townsend, Senators Brelsford, McGregor and Collins were appointed as a new committee to contract for the printing as authorized in Senator Brelsford's motion.

#### SPECIAL ORDER.

Senator Collins called up for consideration the following resolution which was offered yesterday:

Whereas, By resolution passed by the Regular Session of the Thirty-third Legislature, a committee was appointed to hear evidence of and concerning convicts confined in the penitentiary relative to their right to executive clemency under the provisions of the indeterminate sentence law passed by said Legislature; and

Whereas, Said committee has performed its labors with painstaking and great patience, and after hearing much evidence has recommended to the Governor that he exercise executive clemency in about four hundred cases of worthy convicts, who by their good deportment have proven themselves entitled to their freedom and their right again to enter upon the peaceful pursuits of life to earn a livelihood for those whom God had made dependent upon them; therefore, be it

Resolved by the Senate of Texas, That we heartily endorse the action of said committee and tender to it our sincere thanks for its splendid and unselfish service in the interest of humanity, and that we heartily concur in the recommendation of said committee for executive clemency, and that we hereby respectfully implore the Governor to act upon said recommendation and restore to their wives and children those convicts found by said committee to be worthy of their liberty.

Senator Cowell offered the following amendment:

Amend the resolution by striking out all of that portion of the last paragraph after the word "recommendation," where it last appears in said paragraph.

Senators Morrow and Willacy offered the following motion:

We move that the Senate go into Committee of the Whole at 3 o'clock p. m. today, and that the Lieutenant Governor, Hon. Will H. Mayes, and Hon. F. C. Weinert, Secretary of State, both

of whom were members of the committee whose report is referred to in the pending resolution printed on page 51 of the Journal, be invited to address the Senate.

The motion prevailed.

#### HOUSE CONCURRENT RESOLUTION NO. 5.

The Chair laid before the Senate, House Concurrent Resolution No. 5, Relating to pay of Penitentiary Investigating Committee.

The resolution was read second time and adopted.

#### RECESS.

On motion of Senator Wiley, the Senate recessed at 11:45 o'clock until 3 o'clock today.

#### AFTER RECESS.

(Afternoon Session.)

The Senate was called to order by Lieutenant Governor Will H. Mayes.

Pursuant to the motion of Senators Morrow and Willacy of the morning session, the Chair announced that the Senate was in Committee of the Whole, and appointed Senator Taylor to preside over the committee.

#### IN THE SENATE.

Action recurred on the pending business, the simple resolution by Senator Collins et al., and

Senator McGregor offered the following substitute to the pending amendment:

Amend the resolution by striking out all after the word "humanity," in the fifth line of the last paragraph, and inserting a period.

On motion of Senator Wiley, the substitute was tabled.

#### MESSAGE FROM THE HOUSE.

Hall of the House of Representatives,  
Austin, Texas, July 31, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

House bill No. 2, A bill to be entitled

"An Act making appropriations to pay the salaries and employes of certain departments and courts of the State and other expenses of maintaining and conducting them, as follows: Governor's Office, Mansion and Grounds, Department of State, State Revenue Agent, Public Buildings and Grounds, Department of Insurance and Banking, State Insurance Commission, Texas Library and Historical Commission, State Tax Board, State Purchasing Agent, Public Printing, Bureau of Labor Statistics, State Inspector of Masonry, Public Buildings and Works, Adjutant General's Department, State Board of Health, Game, Fish and Oyster Commissioner, Live Stock Sanitary Commission, State Mining Board, Pure Food Commission, State Pension Department, Attorney General's Department, Department of Education, Treasury Department, Comptroller's Department, General Land Office, Railroad Commission, Department of Agriculture, Board of Water Engineers, and State Levee and Drainage Commission."

Respectfully,

W. R. LONG,

Chief Clerk, House of Representatives.

#### PENDING BUSINESS.

Senators Watson and Hudspeth offered the following substitute for the resolution and pending amendment:

I move that the resolution be laid on the table subject to call, and that the list of convicts, term of their several convictions and the time already served, together with the offense for which they were convicted, and the county in which they were convicted, be printed in the Senate Journal of this date.

Senator Wiley offered the following as an amendment to the substitute:

Whereas, By resolution passed by the Regular Session of the Thirty-third Legislature, a committee was appointed to hear evidence of and concerning convicts confined in the penitentiary, relative to granting pardons under the provisions of the indeterminate sentence law passed at said Legislature; and

Whereas, Said committee has performed its duty under said resolution and made its report; therefore, be it

Resolved, That the Senate of Texas express its appreciation of the service rendered by said committee by a rising vote of the Senate, and that the committee be discharged.

Senator Watson made the point of

order that the amendment offered was not germane to the substitute; he made the further point of order that a substitute can not be amended until it has been adopted.

The Chair (Senator Taylor) sustained the points of order.

On motion of Senator Carter, the substitute was tabled by the following vote:

#### Yeas—15.

Astin.	Johnson.
Carter.	McGregor.
Clark.	McNealus.
Conner.	Real.
Cowell.	Townsend.
Darwin.	Westbrook.
Gibson.	Wiley.
Greer.	

#### Nays—9.

Brelsford.	Nugent.
Collins.	Taylor.
Harley.	Watson.
Hudspeth.	Willacy.
Morrow.	

#### Absent.

Harley.	Warren.
Terrell.	

#### Absent—Excused.

Lattimore.

The following was offered as a substitute for the resolution and the pending amendment:

Whereas, By resolution passed by the Regular Session of the Thirty-third Legislature, a committee was appointed to hear evidence of and concerning convicts confined in the penitentiary, relative to granting pardons under the provisions of the indeterminate sentence law passed at said Legislature; and

Whereas, Said committee has performed its duty under said resolution and made its report; therefore, be it

Resolved, That the Senate of Texas express its appreciation of the service rendered by said committee by a rising vote of the Senate, and that the committee be discharged.

WILEY,  
McNEALUS,  
TOWNSEND,  
CARTER.

Pending.

(Lieutenant Governor Mayes in the chair.)

## HOUSE BILL NO. 2.

The Chair laid before the Senate, House bill No. 2.

The bill was read the first time and referred to the Committee on Finance.

## ADJOURNMENT.

On motion of Senator Morrow, the Senate, at 5:55 p. m., adjourned until 10 o'clock tomorrow.

## APPENDIX.

## COMMITTEE REPORTS.

Committee Room.

Austin, Texas, July 30, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 7, A bill to be entitled "An Act to amend Article 1314, Revised Statutes, prescribing conditions upon which foreign corporations may obtain permits to do business in Texas and providing penalties for violations of this act."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

CONNER, Chairman.

Committee Room,

Austin, Texas, July 30, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 8, A bill to be entitled "An Act to amend Chapter 150, General Laws, passed at the Regular Session of the Thirty-third Legislature, relating to application for witnesses in felony cases, so as to repeal Section 4 of said chapter, which provides for the payment of one dollar and fifty cents per day for each day that witnesses residing in the county of the prosecution may have been necessarily absent from their homes or business in attendance upon court, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

CONNER, Chairman.

## PETITION.

The following telegram was offered by Senator McNealus:

Dallas, Texas, July 31, 1913.

Senator J. C. McNealus, Austin, Texas.

Dear Sir: Committee from Farmers' Congress in Austin, asking appropriation of \$10,000 for exhibit at National Corn Show at Dallas. Believe State should assist Dallas putting up fifty thousand dollars in prizes and fifty thousand dollars for expense and maintenance. Will be greatest educational exposition ever held. Means much to agricultural interests. Urge your support and interest.

DALLAS CHAMBER OF COMMERCE.

C. W. HOBSON, President.

J. R. BABCOCK, Secretary.

## ELEVENTH DAY.

Senate Chamber,

Austin, Texas,

Friday, August 1, 1913.

The Senate met pursuant to adjournment, and was called to order by Lieutenant Governor Will H. Mayes.

Roll call, a quorum being present, the following Senators answering to their names:

Astin.	Johnson.
Bailey.	McGregor.
Brelsford.	McNealus.
Carter.	Morrow.
Clark.	Nugent.
Collins.	Real.
Conner.	Taylor.
Cowell.	Townsend.
Darwin.	Watson.
Gibson.	Westbrook.
Greer.	Wiley.
Harley.	Willacy.
Hudspeth.	

Absent.

Terrell.

Warren.

Absent—Excused.

Lattimore.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Taylor.

(See Appendix for petitions and memorials and standing committee reports.)